



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Agenda

Meeting of November 5, 2012, at 3:00 p.m.

Commission Office, 45 Memorial Circle, 2nd Floor, Augusta, Maine

1. Request for Investigation of Candidate Michael Nadeau and Citizens for Effective Government

The Maine Democratic Party contends that candidate Michael Nadeau of Fort Kent, who is running for the Maine House of Representatives (District 1), has accepted an illegal contribution, because his campaign treasurer cooperated in a mailing costing \$1,475.16 by a group of persons calling themselves Citizens for Effective Government.

Other Business

EXECUTIVE SESSION

If necessary.

ADJOURNMENT



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: November 4, 2012, 4:30 p.m.

Re: Request to Investigate Flier in Support of House Candidate Michael Nadeau

The Maine Democratic Party has filed a request for investigation with the Ethics Commission concerning a flier mailed to voters in House District 1 (attached). The candidates in that district are Democratic Rep. John L. Martin and Republican nominee Allen Michael ("Mike") Nadeau. Both candidates are financing their campaigns through the Maine Clean Election Act and are bound by the spending limits of the program.

Around November 1, 2012, a mailing was sent to voters in House District #1 that promoted Mr. Nadeau and criticized Rep. Martin. A group of people calling themselves Citizens for Effective Government apparently was responsible for the mailing and submitted an independent expenditure report to the Commission in the amount of \$1,475. The Maine Democratic Party contends that Mr. Nadeau has accepted an improper contribution, because his campaign treasurer cooperated with the mailing.

Legal Requirements

Definition of contribution

Maine Election Law defines “contribution” to mean “money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office.” (21-A M.R.S.A. § 1012(2)(A)(1)) Candidates must report all cash and in-kind contributions received. (21-A M.R.S.A. § 1017(5))

Limitations on Accepting Contributions

After qualifying to receive public campaign funds, Maine Clean Election Act candidates may not accept cash or in-kind campaign contributions. (21-A M.R.S.A. § 1125(6))

Traditionally financed candidates for the Legislature may accept up to \$350 per donor for an election. (21-A M.R.S.A. §§ 1015(1) & (2))

Coordinated Expenditures

If a candidate – or the candidate’s campaign committee or their agents – has cooperated with an expenditure to promote the candidate, the expenditure constitutes a contribution to the candidate’s campaign:

Any expenditure made by any person in cooperation, consultation or concert with, or at the request or suggestion of, *a candidate, a candidate’s political committee or their agents* is considered to be a contribution to that candidate.

(21-A M.R.S.A. § 1015(5), emphasis added) These are sometimes referred to as “coordinated expenditures.” I have attached a diagram illustrating the required separation. The term “agent” is not defined in the Election Law.

The Commission adopted a rule last year setting out some activities or circumstances that are – and are not – characteristics of coordinated expenditures. (Chapter 1, Section 6(9)) Under the rule, a coordinated expenditure *is presumed to have occurred*, if the treasurer or other officer of the candidate’s campaign committee has cooperated with an expenditure by an outside group. (Chapter 1, Section 6(9)(B)(1))

The Commission may assess civil penalties of up to \$10,000 for any violation of the Maine Clean Election Act. (21-A M.R.S.A. § 1127(1))

Standard for Conducting Investigations

Under the Commission’s statute, “a person may apply in writing to the commission requesting an investigation” concerning “contributions by or to and expenditures by ... a candidate [or] political action committee” (21-A M.R.S.A. § 1003(1)) Under the Commission’s rules, all decisions to conduct an investigation are made by the members of the Commission at a public meeting. (Chapter 1, Section 5) The Commission is required by the statute to conduct an investigation “if the reasons stated for the request show sufficient ground for believing that a violation may have occurred.” (21-A M.R.S.A. § 1003(2))

Contention by Maine Democratic Party

On November 2, a group of persons calling themselves Citizens for Effective Government filed Independent Expenditure Report #205 for a mailing in support of Mike

Nadeau in the amount of \$1,475.16. The report was signed by Philip Soucy. Mr. Soucy is *also* the campaign treasurer for Mr. Nadeau.

The Maine Democratic Party contends that Mr. Nadeau has received a contribution because his treasurer – an agent of the campaign – cooperated with the expenditure:

As Treasurer of Mr. Nadeau's campaign – he is clearly an "agent" of the campaign and as such, is prohibited from coordinating with any outside organization on expenditures (let alone an organization he controls). As a result, the \$1,475.16 expenditure made by CEG to support Candidate Nadeau is an illegal contribution to the campaign.

(Knox letter, at 2) As a Maine Clean Election Act candidate, Mr. Nadeau is not permitted to accept campaign contributions.

Preliminary Fact-Gathering

On the morning of Saturday, November 3, 2012, the Commission Chair authorized the Commission to meet on this complaint. We agreed that I would gather preliminary factual information over the weekend to provide you with as much background information as possible. I attempted to interview three individuals:

- Philip Soucy
- Dana Saucier, who apparently had greater responsibility for the flier than Mr. Soucy; and
- Candidate Mike Nadeau.

Interview of Philip Soucy

On Saturday, November 3, 2012, I interviewed Philip Soucy. I have attached a typed summary of his responses, which include:

- The Citizens for Effective Government are three individuals: Phil Soucy, Dana Saucier, and Jim Mika (spelling unconfirmed). It is not a formal group. They have raised money to influence the House election in District 1. All of the money raised has been spent on the flier.
- When asked whether Mike Nadeau knew about the flier, Mr. Soucy replied "As far as I know, he didn't know, but I can't verify that because I am not Mike." He said "We operated independently of him [Mike Nadeau]."
- He said that he was "definite" that Mike Nadeau would not have requested or suggested the flier.

Mike Nadeau

Following my conversation with Phil Soucy, I left a voicemail message for candidate Mike Nadeau on his cell phone number, inviting him to call me at the Commission Office on Sunday, November 4 between 8:00 a.m. and 5:00 p.m. for an interview. I suggested in my message that if he was represented by an attorney, he should consult with the attorney before calling me. I did not hear back from him today (as of 4:30 p.m.).

Dana Saucier

I believe Mr. Saucier has greater knowledge concerning the flier than Mr. Soucy. I left a voicemail message for him on Saturday, November 3, inviting him to return my call on November 4. He did not return my call today, either.

Role of the Campaign Treasurer

Every candidate is required by law to appoint a campaign treasurer and to list that treasurer on the candidate's registration statement. (21-A M.R.S.A. § 1013-A(1)) In Election Law, the primary responsibilities of the treasurer are to file campaign finance reports and to keep records.

In practice, the role of campaign treasurer varies greatly. Sometimes the treasurer actually performs the financial reporting and record-keeping for the campaign, and sometimes these duties are performed by other persons, such as the candidate or a family member. The treasurer may merely be a bookkeeper for the campaign or may be actively involved in day-to-day activities of the campaign.

Staff Recommendation

The Commission staff cannot make a recommendation at this time (Sunday, November 4, at 4:30 p.m.). We have received no response from Mr. Nadeau. If a written response is submitted, I will forward it to you.

Based on no other information than the independent expenditure report and our interview of Philip Soucy, there is evidence present to suggest preliminarily that candidate Mike Nadeau has received a contribution, in violation of 21-A M.R.S.A. § 1125(6). His campaign treasurer (Phil Soucy) should be viewed as part of the "candidate's political committee." Since Mr. Soucy cooperated with the expenditure, by operation of 21-A

M.R.S.A. § 1015(5) the candidate has accepted a contribution even if he did not personally know about the expenditure or the flier.

The question may arise at the meeting how this matter differs from the Democratic Party's complaint concerning Senator Farnham which you considered on October 31. In the opinion of the Commission staff, there is a very important distinction:

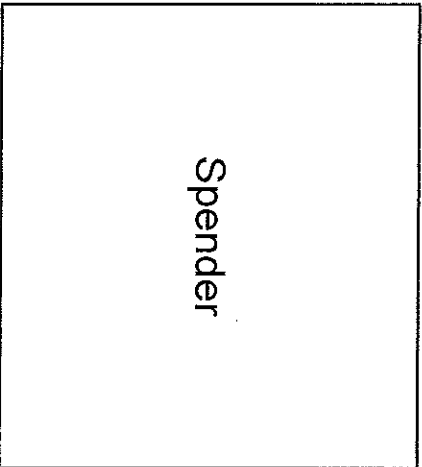
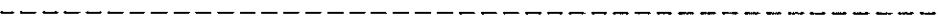
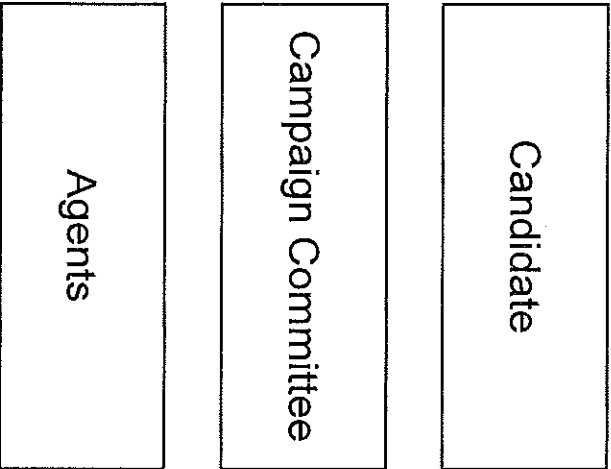
- In this matter, it seems undeniable that Philip Soucy, a member of the candidate's campaign committee, *directly cooperated* in an expenditure by a group other than the candidate's campaign. In other words, Mr. Soucy finds himself on both sides of the dotted line in the diagram.
- In the case of Sen. Farnham, there was no evidence that Sen. Farnham, her campaign committee, or their agents cooperated to any extent with the PAC's television advertising against her opponent – other than the PAC registration form. While Sen. Farnham was listed as an officer on a PAC registration form, the PAC registration form was regrettably erroneous and the PAC submitted credible evidence that it had procedures in place to avoid cooperation with the candidates benefitted by the expenditures.

With respect to any civil penalty or other negative consequence for Mr. Nadeau, there may be mitigating circumstances present. We believe that Mr. Nadeau's knowledge of the flier – or lack of knowledge – would certainly be relevant considerations. If you decide to find that Mr. Nadeau has violated 21-A M.R.S.A. § 1125(6), you may wish to

defer any monetary penalty until your November 28 meeting, after his counsel has had an opportunity to submit a more complete written response.

On the issue of PAC registration, the amount of the independent expenditure is approximately \$25 less than the \$1,500 threshold for forming a PAC. It is legal for organizations to collect just enough money to avoid a registration or reporting requirement, and that is not necessarily suspicious. Nevertheless, at the meeting, to increase confidence that the PAC laws have been followed, you may feel it is appropriate for the Commission staff to ask some additional questions concerning how Citizens for Effective Government raised just enough money *not* to trigger PAC registration status. I did not discuss that issue with Mr. Soucy in my interview.

Thank you for your consideration of this memo.



No
Consultation
Cooperation
Suggestion
*concerning the
expenditure*

BERNSTEIN SHUR

COUNSELORS AT LAW

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207 228-7229 direct
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VIA EMAIL

November 2, 2012

Jonathan Wayne
Executive Director
Maine Commission on Governmental Ethics and Election Practices
135 State House Station
Augusta, Maine 04333

Re: REQUEST FOR INVESTIGATION

Dear Mr. Wayne:

Pursuant to Maine Commission on Governmental Ethics and Election Practices Rule 94-270 C.M.R. ch. 1, § 4(2)(C), the Maine Democratic Party (the "Party") hereby requests an investigation into the propriety of Independent Expenditures made by Citizens for Effective Government in House District 1. A review of publicly filed campaign finance reports and Independent Expenditure #205 provide sufficient grounds for believing that the organization has made, and Candidate has accepted, a prohibited campaign contribution. 21-A M.R.S.A. §1003(2).

FACTS

Citizens for Effective Government ("CEG") filed an Independent Expenditure report with the Ethics Commission on November 1, 2012. CEG is not a registered PAC and information about its organizational structure is not available.¹ The Independent Expenditure Report at issue ("IE #205") does list "L. Phillip Soucy, Treasurer." (See Attachment #1)

L. Philip Soucy is also listed as the Treasurer for candidate Allen Nadeau running for House District #1. Candidate Nadeau is certified as a Maine Clean Election Candidate. (See Attachment #2)

On November 1, 2012, CEG designed and mailed literature in support of Candidate Nadeau. The Party contends that IE #205 which discloses that expenditure shows illegal and prohibited coordination between CEG and Candidate Nadeau's campaign. In sum, the fact that L. Phillip Soucy is the Treasurer of both CEG and Candidate Nadeau's campaign violates several provisions of election law, and has resulted in a prohibited contribution to Candidate Nadeau's campaign by CEG.

November 2, 2012

Page 2 of 2

Candidates who choose to be certified as Maine Clean Election Act candidates agree not to accept any contributions from any individual or organization. 21-A M.R.S.A. §1125(6). As a result, individuals or organizations are limited in their ability to make direct expenditures on behalf of MCEA candidates. They can, however, make "independent expenditures" ("IE's") to support or oppose candidates, *as long as those expenditures are made independently without any direct involvement with the candidate or the candidate's agents.*

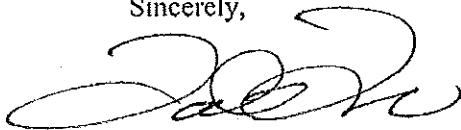
In order for expenditure to qualify as "independent" – an organization must make a communication which expressly advocates for an identified candidate without coordinating that expenditure with candidates or their agents who may benefit from the communication. "Coordination" is defined as an organization making an expenditure in cooperation, consultation or in concert with a candidate or a candidate's agent. Maine Commission on Governmental Ethics and Election Practices Rule 94-270 C.M.R.ch 1 §6(9). The Commission Rule on Coordination states that expenditure is presumed to be prohibited coordination when "the expenditure is made in cooperation, consultation or in concert with any person, who, during the twelve months preceding the expenditure, *has been the candidate's treasurer....*" (emphasis added).

In this instance, the Party contends that Mr. Soucy, by virtue of his role as Treasurer in both organizations, has clearly and blatantly coordinated IE #205 with Mr. Nadeau's campaign. As Treasurer of Mr. Nadeau's campaign – he is clearly an "agent" of the campaign and as such, is prohibited from coordinating with any outside organization on expenditures (let alone an organization he controls). As a result, the \$1,475.16 expenditure made by CEG to support Candidate Nadeau is an illegal contribution to the campaign.ⁱⁱ

The Party argues that these actions are serious and constitute a major violation of campaign finance law. Participating candidates agree to abide by strict contribution limits in exchange for public financing. They should not be allowed to circumvent the system by coordinating with outside groups or individuals who wish to supplement those funds with private expenditures.

Due to the serious nature of these allegations and the closeness of the election, the Party requests that the Commission hear this matter as soon as possible. When assessing the actions of both CEG and Treasurer Soucy, we urge consideration of both civil and criminal sanctions.

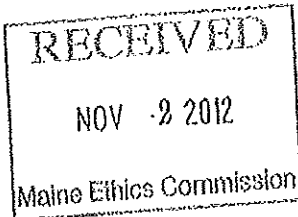
Sincerely,



Kate R. Knox

ⁱ The Party would also ask the Commission to inquire whether or not CEG should have registered as a PAC as required under 21-A M.R.S.A §1052(5).

ⁱⁱ Astonishingly, as part of IE #205, Mr. Soucy signed an affidavit swearing that he had not coordinated the expenditure with the candidate or any candidate's agent. Mr. Soucy appears to forget that he himself is an agent of the campaign.



COMM

IE #205

2012 GENERAL ELECTION

INDEPENDENT EXPENDITURE REPORT - 2012 GENERAL ELECTION

Name of Person/Committee Making Expenditure(s) L. Philip Soudy, Treasurer
CITIZENS FOR EFFECTIVE GOVERNMENT.Mailing Address 31 Pinkham Ave, P.O. Box 135City, Zip Code Fort Kent, Me 04743 Telephone 207-834-3777

Please check the appropriate box for the report you are filing and complete the notarized affidavit and attached schedules. Reports must be filed on a weekend or holiday if that is when they are due by faxing the report to the Commission (287-6775). The Commission must receive the signed original report within 5 days after the fax was received.

☐ Check here if this report is an amendment to a previously filed report? Date of original report: _____

INDEPENDENT EXPENDITURES OVER \$250 MADE FROM SEPTEMBER 7 THROUGH OCTOBER 23, 2012

- ☒ Independent expenditures made from September 7 through October 23, 2012 that total more than \$250 per candidate must be reported within 2 calendar days of making the expenditure.

☐ Report of Independent Expenditure over \$250 per Candidate

INDEPENDENT EXPENDITURES OVER \$100 MADE AFTER OCTOBER 23, 2012

- ☒ Independent expenditures made after October 23, 2012 that total more than \$100 per candidate must be reported within one calendar day of making the expenditure.

☒ Report of Independent Expenditure over \$100 per Candidate

OTHER INDEPENDENT EXPENDITURES (SELECT ONE REPORT BELOW)

Report (select one)	Due Date	What Gets Reported
<input type="checkbox"/> 60-Day Pre-Election Report	September 7, 2012 by 5:00 p.m.	Expenditures totaling more than \$100 per candidate made on or before September 6, 2012
<input type="checkbox"/> 11-Day Pre-Election Report	October 26, 2012 by 5:00 p.m.	Expenditures totaling more than \$100 but not more than \$250 made from September 7 through October 23, 2012

I CERTIFY THAT THE INFORMATION IN THIS REPORT IS TRUE, CORRECT AND COMPLETE.

L. Philip Soudy
Signature of PAC or Party Treasurer, or
Other Authorized Person Making Expenditure(s)

November 1, 2012
Date



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-6775

INDEPENDENT EXPENDITURE REPORT – 2012 GENERAL ELECTION

AFFIDAVIT

STATE OF Maine

COUNTY OF Arroostook

I, L. Philip Soucy, being duly sworn, attest that I made each of the expenditures listed in the attached report independently, and not in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate, authorized committee or agent of a candidate in a race affected by any expenditure listed in this report.

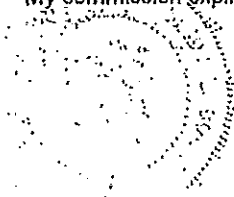
L. Philip Soucy
Signature of Affiant

Sworn to before me, this 2nd day of November, 2012

Cindy Bouley
(Notary Public/Attorney at Law)

My commission expires:

CINDY BOULEY
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES AUGUST 2, 2017



Independent Expenditure Report -- 2012 General Election

Page ____ of ____
(Schedule B-IE-1 only)

Schedule B-IE-1

CANDIDATE(S) SUPPORTED/OPPOSED

- Please list all candidates that were the subjects of independent expenditures.
- If more than one candidate was the subject of the expenditure, allocate the expenditure among the candidates.

Office sought by candidate (including district # or county)	Candidate's name	Indicate whether expenditure was made in support of or in opposition to the candidate	Amount expended this reporting period for each candidate
State Representative District #1	Alexi Michael Nadeau	Support of	\$1,475.16
Total expenditures for all candidates this reporting period. This amount should equal the total Independent expenditures listed on Schedule B-IE-2, Line C. ⇒			0

Independent Expenditure Report – 2012 General Election

Page of
(Schedule B-IE-2 only)

Schedule B-IE-2

PAYMENTS AND OBLIGATIONS

- Please indicate the date, payee, expenditure type, and amount of each expenditure.
- If you are reporting an agreement or obligation to make a future payment, please check (✓) the box next to the expenditure type.

Expenditure Types				
✓ LIT	Printing and graphics (flyers, signs, palmcards, etc.)	PRT	Print media ads only (newspapers, magazines)	
✓ MHS	Mail house (all services purchased)	RAD	Radio ads, production costs	
✓ PHO	Phone banks, automated telephone calls	TVN	TV or cable ads, production costs	
✓ POI	Polling and research survey	WEB	Website design, registration, hosting, maintenance, etc.	
✓ POS	Postage for U.S. Mail and mail box fees	OTH	Other (include description)	

Date of expenditure	Payee, address, zip code	Expenditure type	✓	Amount
11/1/12	PAPER, SIGN, INK 178 W. MAIN, Suite 101 FORT LENT, NE. 04743	LIT POS		1,475.66
A. Expenditures for this page ⇒				0 1,475.66
B. Total for all other Schedule B-IE-2 pages (if any) ⇒				- 0 -
C. Total independent expenditures for this reporting period (A+B). This amount should equal the total amount for all candidates listed on Schedule B-IE-1.				0 1,475.66

Independent Expenditure Report - 2012 General Election

Page _____ of _____
(Schedule B-IE-3 only)Schedule B-IE-3
EXPENDITURE DETAILS

- If you file an Independent expenditure report after October 29, 2012 for the General Election, you must provide the following information.

1. The date on which the person making the expenditure placed the order with the vendor for the goods or services	October 31, 2012
2. The approximate date when the vendor began providing design or any other services in connection with the expenditure	November 1, 2012
3. The date on which the person making the expenditure first learned of the total amount of the expenditure	November 1, 2012
4. A statement why the expenditure could not be reported by the eighth day before the election	Final effort before election day, Nov 6th, to reach voters throughout the district.



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, Augusta, Maine
 Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2012 CANDIDATE REGISTRATION

CANDIDATE	
ALLEN M. NADEAU 545 CARIBOU ROAD FORT KENT, ME 04743 Party affiliation: REPUBLICAN Office sought: REPRESENTATIVE District or county: 1 Financing status: MCEA	Home: (207)231-1201 Work: (207)834-6310 FAX: (207)834-2272 502nadeau@gmail.com
TREASURER	
L. PHILIP SOUCY 31 PINKHAM AVE FORT KENT, ME 04743	Home: (207)834-5011 Work: FAX: louispsoucy@yahoo.com
DEPUTY TREASURER	
	Home: Work:
POLITICAL COMMITTEE	
	Telephone:
COMMITTEE OFFICERS	

CERTIFICATION

I, ALLEN M. NADEAU, certify that the information in this registration is true, accurate and complete.

Signature of Candidate: SIGNATURE ON FILE

Date: 3/14/2012

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S.A. § 453).

The People of Maine House District 1
Are Endorsing Candidate

Mike Nadeau

People - Not Politics | Results - Not Just Talk | Serving Mainers - Not Making it a Career.

Facts are Stubborn Things...

John Martin Voted NO 66% of the time against support for Private Sector Jobs and Maine's Economy (source: MERI.org)

According to The People's Report Card of how our legislators voted with the people of Maine, John Martin voted only 15% of the time for the people. (source: mainepeoplebeforepolitics.com/reportcard/)

John Martin was fine with tax cuts for the wealthy when he could raise taxes on working Maine families to make up the difference, but now he opposes tax cuts for everyone that he voted for because he wants to be re-elected. This is not leadership, it is shameful political grandstanding

LD1333 - Maine's recent health insurance reform has resulted in the smallest increase in health insurance rates in recent memory. While there were some geographical challenges in the initial 2011 reform, lawmakers will return to the law in 2013, ensuring residents in Aroostook County will not be adversely impacted. John Martin and his allies do not want you to know this.

Clean Elections? If anyone should not be complaining about reforms that make our "clean elections" system constitutional after the US Supreme Court ruling, it is John Martin. After a group recently revealed that John Martin pumped \$8,500 of his "clean elections" taxpayer dollars into his own business, Bald Eagle, John Martin owes the people of District 1 an explanation, instead of looking for a shoulder to cry on. Haven't we had enough of this?

On November 6th, it's time to make a change.

Mike Nadeau fixes things for a living. He will take your voice to Augusta and begin fixing things on day one.

Vote the *PERSON*, not the *PARTY* - Mike will get the job done right.
mikenadeau.net

Make sure you have the facts when you enter the voting booth on Tuesday, Nov. 6th

PRST STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL



*****ECRWSEDDM*****
Postal Customer
Fort Kent, Maine 04743

Citizens for Effective Government
P.O. Box 135
Fort Kent, Maine 04743

NOT PAID FOR BY OR AUTHORIZED BY ANY CANDIDATE
CITIZENS FOR EFFECTIVE GOVERNMENT



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: File
From: Jonathan Wayne, Executive Director
Date: November 4, 2012
Re: Summary of Interview of Philip Soucy

I called Philip Soucy yesterday. I explained that the Commission was meeting Monday afternoon and the Chair had wanted me to gather some information. He said he heard I might call and that he would answer my questions. He told me the following:

Political Activities of Philip Soucy and Citizens for Effective Government

- The Citizens for Effective Government are three individuals: Phil Soucy, Dana Saucier, and Jim Mika.¹
- It is not a formal group. They started raising money for political purposes, which he later clarified meant influencing the House election in District 1.
- All of the money that they had raised was spent for one flier that was reported to our office.
- When asked where the money came from, Mr. Soucy replied individuals giving small amounts under \$100. He said that Dana Saucier and Jim Mika may have put some of their own money into the flier, but he had not. Other than small donors, and possibly Mr. Saucier and Mr. Mika, he was not aware of money coming from any other source. I asked about the Maine Republican Party or PACs based in Augusta, and he said no.
- Mr. Soucy said that he was active in a local group of Republicans that meet sometimes. Mr. Saucier and Mr. Mika are not as active. I thought that he initially said that the group did not have a name, but he later said that he was the Chair of the Fort Kent Republican Party Committee. [I am not sure if the later statement was meant as a correction to his earlier statement, or whether he was talking about two different groups.]
- He said that he had invited Mike Nadeau to come to some Republican meetings but that the candidate had not come. The candidate did not take other recommendations that Mr. Soucy had offered. He said Mike Nadeau was one of most independent candidates he had ever seen.

¹ Mr. Soucy said that he did not have the exact spelling of Jim Mika's name. He pronounced it "MY-kah".

No Involvement by Mike Nadeau in the Flier

- When asked whether Mike Nadeau knew about the flier, he replied "As far as I know, he didn't know, but I can't verify that because I am not Mike." He said "We operated independently of him [Mike Nadeau]."
- He said that he was "definite" that Mike Nadeau would not have requested or suggested the flier. He repeated that "he is so darned independent."

Phil Soucy's Role in the Nadeau Campaign

- Mr. Soucy said that he offered to help Mike Nadeau, and the candidate invited him to be the treasurer of the campaign. He agreed, and he signed the registration form.
- Mr. Soucy said that it was understood that Mike Nadeau would be filing the campaign finance reports himself. When Mr. Soucy received forms or notices from the Ethics Commission, he would pass them on to Mike Nadeau to keep him on track.
- When asked what else he did to assist the candidate, he said that he passed out lawn signs, which meant he went to houses and asked the owners if they would put up a sign for Mike Nadeau. He said he did this a handful of times, but "not a lot."
- When asked if he had done anything else, he said that he invited the candidate to come to Republican meetings. Mike Nadeau did not come to them.
- He said he had seen Dana Saucier and Jim Mika passing out signs for Mike Nadeau, but he was not sure if they did anything else for the campaign.
- When asked who were the primary people helping Mike Nadeau with his campaign, he said that he did not know. He said that he had wondered that himself, because he could see a lot of people helping him out.

Other Information

- When asked whether he knew who had written the language in the flier, he said that it was not him. I believe he implied that Dana Saucier would know. He said that he has trouble printing. So, Dana Saucier printed most of the information on the independent expenditure report, and he signed it.

After I finished my questions, we began to discuss the logistics of the Commission meeting. He suggested that I work with an attorney, Bill Logan. I said that I wished he had brought that up Mr. Logan earlier. Mr. Soucy said that he did not mind talking to me. I agreed to contact Mr. Logan concerning the meeting.

committee. The Commission may take into consideration any evidence it believes is relevant, including evidence that the creditor did not intend to make a contribution to the candidate or committee or that the candidate or committee is unable to pay the debt.

7. For the purposes of the limitations imposed by 21-A M.R.S.A. §1015(1), 21-A M.R.S.A. §1015(2), 21-A M.R.S.A. §1015(3), and 21-A M.R.S.A. §1056, the following guidelines shall apply:
 - A. For all contributions received through the day of the primary election by candidates enrolled in a political party, the candidate shall designate on the applicable campaign finance report whether the candidate received the contribution for the primary or the general election. If a candidate receives a contribution before the primary election and designates it for the general election, the candidate must deposit the contribution in an account that is separate from all funds received for the primary election and may not use the contribution in any way to promote the candidate's nomination in the primary election.
 - B. Notwithstanding division (c) below, if a candidate loses in the primary, all contributions made to that candidate for the purpose of liquidating debts and liabilities associated with the candidate's candidacy are deemed to be made in the primary election.
 - C. All contributions made to a general election candidate from the day after the primary election through the date of the general election are deemed to be made for the general election.
 - D. Notwithstanding division (e) below, all contributions made after the general election to a general election candidate for the purpose of reducing debts and liabilities associated with the candidate's candidacy are deemed to be made in the general election.
 - E. All contributions made after the day of the general election to a candidate who has liquidated all debts and liabilities associated with that election are deemed to be made in support of the candidate's candidacy for a subsequent election.
 - F. Subparagraphs A through E above shall apply to any write-in candidate who has qualified under 21-A M.R.S.A. §723, or who has received contributions or made expenditures with the intent of qualifying as a candidate.
8. If a political committee that is required to file reports with the Commission sells an item to raise funds, the entire amount received is a contribution to the committee. If the political committee provides meals or entertainment at a fundraising event, the entire amount paid by the donor is a contribution to the committee. [FOR EXAMPLE: IF A SUPPORTER PAYS A CANDIDATE COMMITTEE \$20 FOR A T-SHIRT THAT COST THE CAMPAIGN \$5, THE SUPPORTER HAS MADE A \$20 CONTRIBUTION. IF A SUPPORTER PAYS \$100 FOR A TICKET TO A FUNDRAISING DINNER, THE SUPPORTER HAS MADE A \$100 CONTRIBUTION EVEN IF THE COMMITTEE PROVIDES A MEAL WORTH \$30.]
9. If an expenditure is made to promote or support the nomination or election of a candidate, or to oppose or defeat the candidate's opponent(s), and the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate, the expenditure is considered to be a contribution from the spender to the

candidate. As used within this subsection, the term “candidate” includes a committee authorized by the candidate to promote or support his or her election, and all agents of the candidate or the authorized committee.

A. In cooperation, consultation or in concert with includes, but is not limited to:

1. Discussion between the candidate and the creator, producer or distributor of a communication, or the person paying for that communication, regarding the content, timing, location, mode, intended audience, volume of distribution or frequency of placement of that communication, and
2. Participation by the candidate in making any decision regarding the content, timing, location, mode, intended audience, volume of distribution, or frequency of placement of the communication.

B. An expenditure is presumed to be made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, when



1. [the expenditure is made in cooperation, consultation or in concert with any person who, during the twelve months preceding the expenditure, has been the candidate's treasurer or an officer of the candidate's authorized committee, has had a paid or unpaid position managing the candidate's campaign, or has received any campaign-related compensation or reimbursement from the candidate;
2. when the candidate has directly shared the candidate's campaign plans, activities, or needs with the spender for the purpose of facilitating a payment by the spender on a communication to voters to promote or support the candidate; or
3. the communication replicates, reproduces, republishes or disseminates, in whole or in substantial part, a communication designed, produced, paid for or distributed by the candidate.

The candidate or spender may rebut the presumption by submitting sufficient contrary evidence.

C. If a candidate requests that a party committee, political action committee, or other potential spender not make any expenditure to promote or support the candidate, or oppose or defeat the candidate's opponent(s), the request does not constitute cooperation or coordination.

D. An expenditure will not be presumed to have been made in cooperation, consultation or concert with, or at the request or suggestion of a candidate, solely because:

1. the spender has obtained a photograph, biography, position paper, press release, logo, or similar material about the candidate from a publicly available source;
2. the person making the expenditure has previously provided advice to the candidate on suggested communication strategies, budgets, issues of public policy, or other campaign plans or activities;